

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
WDM Law Enforcement Center
250 Mills Civic Parkway
Large Conference Room**

Monday, February 4, 2019

Attending:

Council Member John Mickelson
Council Member Renee Hardman
City Manager Tom Hadden
Deputy City Manager Jamie Letzring
City Attorney Richard Scieszinski
Fire Marshal Mike Whitsell

Development Coordinator Linda Schemmel
Building Official Rod Van Genderen
Planner Brian Portz
Planner Karen Marren
Principal Engineer Ben McAlister
Housing Planner Christine Gordon

Guests:

Item #1 – Joel Jackson, Bishop Engineering

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:02 AM.

1. Mister Car Wash JCTC – Joel Jackson

Development Services Coordinator Linda Schemmel provided a sketch of the proposed site and location, including existing structures on the lot. She noted that Fire has concerns regarding access, and that staff questions whether this use meets the intent of the PUD as written to encourage walkability in the Jordan Creek Town Center area. Ms. Schemmel pointed out that a car wash is not an approved use in the PUD and would require rezoning. Council Member Mickelson commented that the walkability feature has not worked as planned anyway, and that he was more concerned about the Fire access.

Bishop Engineering representative Joel Jackson provided a summary of the proposal, noting they are aware of concerns regarding Fire access and that this is a very preliminary sketch, which they are willing to modify. He added that the detention requirements would be also be met.

Fire Marshal Mike Whitsell informed the Committee that the existing structures house 6 fire pumps which provide fire protection for the entire Mall. He stated Fire staff had reviewed the proposed sketch template and that the turn lanes would not be adequate for Fire vehicles. He had concerns about access both during peak use times and when the car wash vacuum portion of the parking lot was busy. Fire Marshal Whitsell also stated emergency responders would not be able to adequately provide fire protection for the proposed Car Wash building with the site plan as proposed. He asked Mr. Jackson if the snow plows currently staged on this site would continue to be located there. Mr. Jackson said he would check on that.

Ms. Schemmel pointed out that there is a private drive accessing this site which could back up mall traffic during busy times.

Mr. Jackson asked whether the Bishop staff should invest another several weeks into revising the access if the use would not be approved. Ms. Schemmel said Staff would first work with the applicant on functionality issues before moving forward with a zoning change.

Direction: Council Members directed staff to work with the applicant to revise the site plan to meet Fire access requirements.

2. Bella Meade Fence

Development Services Coordinator Schemmel noted the fence issue at Belle Meade has been before the committee before and asked Chief Building Official Rod Van Genderen to provide an overview of the current status and proposed solution. Chief Van Genderen informed that the Belle Meade development remains unfinished after more than 5 years, and has 1 building and a clubhouse yet to complete. Due to the developer's delay in completing site plan requirements as approved by Council, staff have limited final occupancy inspections. Neighbors have continually expressed concern regarding the incomplete project, most recently with the fence which was not installed as proposed. Following a failed attempt to eliminate the fence altogether, Belle Meade installed a black vinyl chain link fence along an easement which does not meet the approved site plan.

Staff are requesting Council input regarding adopting an ordinance to incorporate State language which allows the use of rent abatement as a tool in certain circumstances including failure to have a valid rental certificate.

City Attorney Scieszinski noted that this language was written into the State code to assist communities dealing with concerns in large apartment complexes. Chief Van Genderen cautioned that this would be an infrequent use. Council Member Mickelson stated that this would be a good tool to have in the toolbox, and that he supported whatever effort the City needed to take to complete the Belle Meade project. Council Member Hardman agreed but commented that it should only be used as a last resort.

City Attorney Scieszinski stated that the developer claimed to never intend fencing along the easement, in spite of what the site plan drawing indicated, and the City could propose allowing the developer to implement 6" black poles with the wrought iron fence in place of the previously approved brick columns.

Direction: Council Members were supportive of adopting ordinance language enable the city to use rent abatement under specific circumstances, and of allowing Belle Meade to replace the required brick columns in the easement fencing with 6" black poles, while still requiring wrought iron fencing.

3. Construction Staging

Development Coordinator Schemmel informed the committee that the Mills Civic Target store will be undergoing a major cosmetic interior remodel and has requested to put a large number of storage containers and 2 tents on the parking lot during construction. Currently, the applicant would be required to complete a major modification application, which requires that the whole site be evaluated for deficiencies and brought up to current code. Staff requested committee input regarding amending the ordinance to allow staff review of this type of temporary project as a minor modification.

Council Member Mickelson inquired as to whether that would eliminate a desirable trigger for site plan compliance review and Ms. Schemmel responded that temporary projects would likely not trigger that compliance nexus.

Direction: Council Members were supportive of amending the ordinance to allow temporary projects to be classified as minor modifications and reviewed by staff.

4. Garages in Single Family Waiver Process

Ms. Schemmel asked Community and Economic Development Housing Planner Christine Gordon to provide an update of the waiver process. Ms. Gordon provided a summary sheet which detailed the requirements for an applicant to qualify for a garage waiver. The City is proposing that a lien be attached to the property, and that the buyer must sign an acknowledgment that they understand they are

to live in the property for 10 years with a depreciating lien which would come due if they sold the property ahead of fulfillment. Council Member Mickelson questioned locking in the owner if circumstances changed and they needed to move but were unable to sell the house because they couldn't afford to build the garage. Planner Gordon said there is a hardship process in place to assist homeowners in situations such as a job transfer, moving into a nursing home, or death, however she added that these occurrences are rare.

Council Member Hardman questioned whether Ms. Gordon felt this waiver process was helpful to the Affordable Housing initiative. Ms. Gordon responded that although this process might only be utilized a couple times each year, it was a step that does help the process.

Chief Van Genderen inserted that a minimum 15' side yard setback on one side of the house will be required along with implementation of a minimum 10x10 shed and two paved off-street parking stalls.

Direction: Council Members were supportive of utilizing the garage waiver process for single family housing.

5. Upcoming Projects – A map was provided with a brief description of each.

- a. Han Separation: Approval of de-annexation of property to allow incorporation into Cumming with the balance of the property (MI-004208-2019)
- b. Mill Ridge Plat-of-Survey (1158 Radley St): Plat-of-Survey to transfer southern 2' of Lot 26 to Lot 27 to accommodate the construction of a dwelling (POS-004202-2019)
- c. Grand Valley Plat 3 (NE corner of S 35th St and Grand Ave): Subdivide property into 43 lots for single-family homes (PP-004199-2019)
- d. Off-street Parking: Amend city code to establish non-SIC based parking requirements (AO-004207-2019)
- e. PCP and Office District Uses: Amend city code to define Professional Commerce Park (PCP) uses to be allowed within the Office (OF) district (AO-004191-2019)

5. Minor Modifications & Grading Plans

- a. Cell Antenna Co-locate (1250 Jordan Creek Pkwy): Addition of 6 antenna on existing structure (MM-004198-2019)
- b. Water Tower Place (4100 University Ave): Construction of ramp in service area and modifications to parking and sidewalks on south side of building (MML1-004201-2019)

6. Other Matters

There were none.

The meeting adjourned at 8:40 AM. The next regularly scheduled Development and Planning City Council Subcommittee is February 19, 2019.


Jennifer Canaday, Recording Secretary


Linda Schemmel, Development Services Coordinator